



JUDGE MORRISSEY

U.S. Judgeship For Morrissey?

By JAMES S. DOYLE

President Johnson is planning to name a friend of the Kennedy family to the Federal bench here.

The nomination of Judge Francis X. Morrissey of Boston Municipal Court to the Federal District Court, which has been hanging in the balance for four years, is expected to be made when the Justice Department completes a routine inquiry into Morrissey's personal and professional background.

This inquiry, first completed in Morrissey's case in 1961, has begun again. Federal agents in recent days have interviewed a number of Boston judges, court attaches and Federal attorneys.

President Johnson has apparently decided to follow through on an appointment that sat on President Kennedy's desk from the early days of his administration right up to the day of his assassination.

When it became known early in 1961 that President Kennedy intended to nominate Judge Morrissey for the Federal bench, the President was criticized by the New York Times and other newspapers and magazines, here and elsewhere.

The criticism was that Morrissey was not the best and most obviously qualified man for the job and did not meet President Kennedy's stated standards for appointment. Some Boston lawyers and some Harvard Law School faculty members charged that Morrissey was inept.

Views of dissenting lawyers were made clear to administration officials who worried about the nomination, including Robert F. Kennedy and Byron R. White, at that time the top men in Justice, and Nicholas deB. Katzenbach, present Attorney General.

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When the controversy first arose in 1961, President Kennedy was in the process of winning congressional approval to appoint 73 new Federal judges, while also filling 27 vacancies.

This amounted to more judicial appointments than any other President had made in his entire term. It obviously was to have a profound affect on the future of the judiciary.

Rep. Robert H. Michel (R-Ill.) noted this in attacking the Morrissey appointment on the floor of Congress in 1961. He quoted a Chicago Tribune editorial that concluded: "Now his first choice for the Federal bench turns out to be a crony who needed 12 years to pass a bar examination."

The Massachusetts Bar Assn. and the Judicial Selection Committee of the American Bar Assn. refused to give Morrissey their endorsements in 1961, questioning his lack of trial experience.

And within the Kennedy administration, among the President's closest advisers, there was disagreement over the Morrissey appointment.

It was shelved when adverse publicity appeared to be endangering the whole program of judicial appointments. But shortly before the assassination, it became clear that Morrissey was again up for nomination. This time the events of Nov. 22, 1963, ended such reports.

During all of these years the Federal trial court in Boston has had a cluttered docket, while a new courtroom lay vacant, awaiting the new Federal appointee.

Under the procedure for judicial appointments, the Democratic senator from the state where the appointment is to take place presents names to the President for consideration.

Normally, more than one name would be submitted, but in this case no name other than that of Francis X. Morrissey has ever been sent to the White House.

An administrative source in Washington confirmed Thursday that Sen. Edward M. Kennedy had refused to consider submitting any other name. Sen. Kennedy's office declined comment.

Judge Morrissey was a secretary in the Boston office of John F. Kennedy throughout the late President's congressional years, and he escorted Edward Kennedy around the state during 1961 and 1962, as Ted launched his Senate career.

Morrissey is believed to be closest to Ambassador Joseph P. Kennedy, whom he often accompanies in public, as he did Tuesday at a special birthday party for Cardinal Cushing.

Now 55 years old, Judge Morrissey first sought admission to the Massachusetts bar in 1932. At that time he had attended, but not received a degree from, the Suffolk Law School.

In 1933, he was admitted to practice before the Supreme Court of Georgia and before the United States District Court in Atlanta.

He applied for admission to the Massachusetts bar again in 1943, and then in 1944, when records show he passed the examination and was admitted.

He was appointed to the Municipal Court in 1958 by Gov. Foster Furcolo.

Bar Groups Object Again

Morrissey Called 'Unqualified'

By JEREMIAH V. MURPHY

The nomination of Boston Municipal Court Judge Francis X. Morrissey, old friends of the Kennedy family, has again triggered a storm of controversy.

The chairman of the American Bar Assn.'s Judicial Committee, Albert E. Jenner Jr., called Morrissey "unqualified" and said his organization will oppose Senate confirmation.

Walter McLaughlin of Belmont, president of the Massachusetts Bar Assn., said his organization has gone on record twice as opposing Morrissey as a Federal judge.

He said the executive committee is expected to consider the nomination shortly.

"I would have a pretty good idea the position they have twice taken after full debate would be affirmed," he added.

At his home at 48 Burroughs st. in Jamaica Plain, Morrissey said, "I am grateful to President Johnson for this demonstration of his confidence in me. I shall do everything in my power to prove worthy of the President's trust."

Jenner said the A.B.A. has carefully investigated Morrissey. Although held unqualified for the judgeship, Morrissey is a "a man of character and integrity," Jenner added.

Morrissey has had little or no trial experience, according to Jenner, and his other experience at the bar has been one "of the most limited char-



MORRISSEY FAMILY—Front, Mrs. Morrissey; Joseph, 12; and the judge. Rear, Claire, 18; Francis Jr., 22; Catherine, 15; and Richard, 9.

acter. None of it is calculated to provide him with the experience and judgement necessary for a Federal judge in such an important district."

Jenner said Morrissey has had no experience as a judge with jury or in equity cases.

"In Municipal Court, he has largely handled misdemeanors" he said.

By the test of experience and scholarship, Jenner said,

Morrissey "does not measure up."

"His scholarship has been of a most limited nature, as evidenced by his inability on two occasions to successfully pass the Massachusetts Bar examination."

In view of lack of affirmative evidence of qualifications, we feel there is nothing other than political consideration for the nomination."

McLaughlin said that in 1961 and 1963, when word spread concerning Morrissey's impending nomination, the Massachusetts Bar Assn. notified Attorney General Robert F. Kennedy and President Kennedy of its opposition.

He said a special meeting will be called to consider the nomination if it goes to a Senate hearing before the next scheduled meeting Oct. 13.

Morrissey Named Federal Judge

4 Years of Controversy Fail to Deter LBJ

By **JAMES S. DOYLE**

Globe Washington Bureau

WASHINGTON—President Johnson announced Sunday the nomination of Boston Municipal Court Judge **Francis X. Morrissey** to the Federal District Court in Massachusetts.

The announcement was made from the ranch in Johnson City, Tex., after a week-end of rumors in Washington and Boston that the appointment, wrapped in controversy for four years, was impending.

Morrissey is a close friend of the Kennedy family. He served Ambassador Joseph P. Kennedy faithfully for many years, and when Edward M. Kennedy came back to Massachusetts prior to his campaign for the Senate it was Frank Morrissey who escorted him around the state.

He was first put forward for the Federal bench in 1961 by President Kennedy, but the appointment inflamed bitter controversy immediately. The American Bar Assn. and the Massachusetts Bar Assn. refused to support the nomination, citing a lack of trial experience, even though Morrissey was

then a trial judge in Boston Municipal Court.

A number of Boston lawyers charged that Morrissey was inept, and he was cited from the floors of Congress as an example of President Kennedy's abuse of judicial appointments.

His nomination was held up, and a new courtroom constructed for another Federal judge in Boston remained unused.

In November, 1963, Morrissey's nomination seemed imminent once more, until President Kennedy was assassinated.

Sen. Kennedy has refused to submit any other name to the White House, and it is customary for the appointment of Federal judges to wait on the recommendation of the senator from the state involved.

The first report that Mr. Johnson planned to accede to Kennedy's wish and name Morrissey appeared in The Boston Globe Aug. 26. A few days later The Washington Post repeated the story, citing some of the criticisms of Morrissey.



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The Post story implied that Morrissey was a political hack, noting that he was known as a man "who never let Joe Kennedy's coat hit the ground."

After this the pressure against Morrissey's appointment was said to have increased at the White House and at the Justice Department.

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Morrissey Paper Route Put Him Through School

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The nomination is a giant step in Morrissey's climb that began in Charlestown. One of 12 children of a stevedore, he kept himself in Charlestown High School by selling newspapers.

While working as a bank teller, he attended night classes at Suffolk Law School from

1927 and 1932. At age 22 he took the bar examination and failed.

Years later he returned to Suffolk, graduated and took the law exam in 1943 but failed again. On the third try, in 1944, he passed.

During the intervening years he attended Boston College night school and became a social worker. Later he became deputy commissioner of correction.

In 1945 he was named secretary for then Gov. Maurice J. Tobin and in June, 1946, became an assistant to John F. Kennedy.

Judge Morrissey is a friendly, articulate man who lives in a big, comfortable white house on Burroughs st. in Jamaica Plain with his wife and seven children.

Morrissey went to work for Kennedy when the latter ran for Congress. He stayed on as Boston secretary when Kennedy went to the Senate. In 1958, he was named by former Gov. Foster Furcolo to the municipal court.

He has been a close associate for the Kennedy family for years and is a trustee of the Joseph P. Kennedy Jr. Memorial Hospital.

Ted Defends; Wyzanski Opposes *Morrissey Furor Mounts*

By JAMES S. DOYLE and MARTIN F. NOLAN *Globe* Washington Bureau

WASHINGTON — The tide of controversy swirled to national proportions Tuesday around the nomination of Boston Municipal Court Judge Francis X. Morrissey to the Federal bench.

Sen. Edward M. Kennedy of Massachusetts puts his personal reputation on the line in a Senate speech defending Judge Morrissey's qualifications for the post.

In Boston, Chief Judge Charles E. Wyzanski Jr. of the Federal Court took the extraordinary step of personally opposing the appointment of Morrissey to his court. This came in a letter to the Senate Judiciary Committee.

Sen. Leverett Saltonstall issued a brief statement indicating he will pose no objection to Morrissey's confirmation.

The issue has stirred up violent debate nationally since President Johnson announced the nomination Sunday in Texas.

Kennedy's statement on the Senate floor followed the release of Judge Wyzanski's letter and also criticism of the pro-

posed appointment by the Washington Post and the New York Herald Tribune.

Morrissey has long been closely associated with the Kennedy family. He was a confidant of the late President Kennedy.

Sen. Kennedy, unavailable to the press all day, took the Senate floor late Tuesday afternoon to put himself squarely behind Morrissey.

His brief address was in large part an attack on news media which, he said, have printed information "totally in error and extremely derogatory to Judge Morrissey's record and career."

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Wyzanski Questions Nominee's Ability; Ted Hits Critics

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The junior senator from Massachusetts declared, "If Frank Morrissey was as unqualified a man as these stories have made him appear, I would never have recommended his nomination and President Johnson would never have made it."

Kennedy expressed concern that wide circulation of such stories "might prejudice the minds of senators before they have an opportunity . . . of considering this nomination."

"I would suggest that before Judge Morrissey is accused, tried and convicted in absentia, he have an opportunity to appear before the Senate and answer to his qualifications," he added.

Judge Wyzanski's action in speaking out against the appointment was virtually unprecedented—as he himself pointed out in his letter to the Senate Committee on the Judiciary.

It is this committee which makes the final formal recommendation to the Senate, either for or against confirmation.

The Senate traditionally goes along with whatever recommendation is made by the committee.

Wyzanski said confirmation would "corroborate the cynical view that judicial place goes not to those who will honor it but to those who by service have bought it."

He contended that "few, if any, precedents support a chief judge testifying against the appointment to his court of a judge with whom the President has proposed that the chief judge should thereafter sit."

Wyzanski said he "cannot overlook the obvious fact that the ONLY discernible ground for the nomination of Judge Morrissey is his service to the Kennedy family—to Ambassador Kennedy, to President Kennedy, and to the Senators Kennedy."

He pointed out that lawyers from Massachusetts and elsewhere in the nation have, "at considerable personal risk," recorded themselves as opposed to Morrissey's nomination.

"Local and national bar associations have reported him 'NOT QUALIFIED'—their lowest possible rating," he said. "How can I, without awareness of my own cowardice, remain silent?"

Sen. Saltonstall said in his statement, "I will expect to file with the (Senate Judiciary) committee a 'no objection' to the appointment of Judge Morrissey."

He added: "This has been my customary procedure where I am not personally acquainted with the candidate."

Then the senator said, "From my knowledge of Judge Morrissey, I am confident he has a reputation of integrity."

It was Sen. Edward Kennedy who submitted Morrissey's name to President Johnson for the lifetime judgeship.

The news stories which Kennedy castigated in his Senate speech were mainly concerned with opposition to the appointment by the American, Massachusetts and Boston Bar Assns.

These and other leaders in the legal profession have questioned Morrissey's capacity for the Federal bench.

These groups opposed the nomination in 1961, when Morrissey was first proposed by President Kennedy.

Sen. Kennedy conceded that in 1961 there had been criticism of the proposed appointment. But he said many opinions have changed with four more years of judicial experience for the nominee.



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"Since then," Kennedy said, "he has had four more years of experience on the busiest court in New England, which is four more years' experience than most men have when they are appointed to the Federal bench."

He pleaded that both Morrissey and some of his supporters be allowed an opportunity to appear before the Senate.

"I know the Senate will give him and them this opportunity," he said. Then glancing up at the press gallery, he added: "I hope those who cover the Senate will do the same."

Judge Wyzanski said he rated Morrissey highly for his personal qualities.

But he said "the virtually unanimous opinion of those who know Judge Morrissey as a judge, as well as in his earlier roles as a law student and a practicing lawyer, rate him at the bottom of each of those callings."

Tuesday's Herald Tribune,

in an editorial, called Morrissey's nomination "nauseous," and said:

"Morrissey was picked for only one reason: The Kennedy family is persistent. His qualifications are virtually nonexistent."

The Washington Post said the nomination should be withdrawn, or, if not, that the Senate should reject it.

"The chief reproach for this nomination, of course, must go to the Democratic senator from Massachusetts," the paper said.

"It is an ominous example of an inclination to use a Federal

judicial office to repay personal and family political debts."

Morrissey's nomination was formally transmitted late Tuesday from the White House to the Senate.

It will be received this morning by the Senate Judiciary Committee, from which a special subcommittee will then be named to hear the case for and against.

Sen. Edward Kennedy, a member of the parent committee, will be a member of this group, along with at least two other senators.

There will be a public hear-

ing on the nomination before the subcommittee sometime next week.

The subcommittee reports the outcome of the hearing, along with its own recommendation, to the Judiciary Committee, which then takes a formal vote on its recommendation to the Senate.

State Bar Board Reverses Self, Backs Morrissey Nomination

JEREMIAH MURPHY

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State Bar Board Reverses Self, Backs Morrissey Nomination

By JEREMIAH V. MURPHY

The Board of Delegates of the Massachusetts Bar Assn. reversed Monday night its decision of three years and voted 26 to 9 in favor of the nomination of **Boston Municipal Court Judge Francis X. Morrissey** to the U.S. District Court.

After a two-hour closed-door

session at the Parker House, president Walter McLaughlin said it was recognized that both state and Federal nominations to the bench are dictated to a great degree by political acceptance.

"With that being the case for so many years," McLaughlin said, "it would be unfair to make Judge Morrissey a

martyr. He has been pilloried enough."

Three years ago the board voted to oppose Morrissey's candidacy in the event he was nominated to the Federal bench.

McLaughlin declined to say whether the reversal surprised him.

When interviewed Sept. 26, the day President Johnson announced Morrissey's nomination had twice gone on record as opposed to it.

"I would have a pretty good idea the position they have twice taken after full debate would be affirmed," he predicted.

The full body will meet to

discuss the nomination Thursday, the day the Senate Judiciary Committee is to vote on the appointment.

McLaughlin said there was a feeling of a strong majority that Morrissey is qualified both by "training and experience. He possesses in abundance all the qualities of character and integrity."

Concerning the switch from three years ago, McLaughlin said the board is vastly changed since 1962, that the Morrissey nomination was considered on a current basis and that board was able to have the benefit of "tremendous insight into Morrissey's civic and personal life which greatly in-

fluenced the delegates' judgment."

He said evidence was considered from lawyers who have tried cases before Morrissey and associates who have sat on the bench with him.

Further, he said, a complete

review was conducted of Morrissey's civic and religious responsibilities "which reflect tremendous credit on him."

"As far as his education is concerned, it was virtually unanimous that Morrissey obtained it by industry and hard work. His determination to become a lawyer can only be admired."

Judge Morrissey received unanimous support Monday from the executive council of the Middlesex County Bar Assn. and the Boston City Council.

McLaughlin said administration is basically the same in the Boston Municipal Court, where Morrissey has served, as it is in the Federal Court and that Morrissey has demonstrated a capacity "to handle the job."

He said many of the finest judicial appointments, including some current district court judges, had no more active trial work than Judge Morrissey.

"And none brought to the court seven years of experience as a judge," McLaughlin said.

The nomination of Morrissey, long a close friend of former Ambassador Joseph P. Kennedy and Sen. Edward M. Kennedy, has come under fire since President Johnson announced it Sept. 26.

The criticism has been aimed primarily at Morrissey's lack of trial experience as a lawyer and judge.

McLaughlin said the board acted on the nomination "with no consideration of political overtones. It was decided solely on the merits of the appointee."

He said the issue decided was not whether Morrissey was the best or most competent person to serve. "The only issue was, having been nominated, is Judge Morrissey qualified?"

Hub Bar Assn. Comes Out Against Morrissey

The Council of the Boston Bar Assn. Tuesday voted, 13-9, to go on record against the confirmation of Boston Municipal Court Judge Francis X. Morrissey to a seat on the U.S. District Court bench in Boston.

Morrissey is a long-time friend of the family of President John F. Kennedy, especially of former Ambassador Joseph P. Kennedy, the President's father.

His nomination to the Federal District Court bench by President Johnson has evoked controversy as to his qualifications for the post.

Disapproval by the Boston Bar came less than 24 hours after the Massachusetts Bar

Assn. reversed its stand of three years ago and voted 26-9, to endorse Morrissey for the job.

The Council also opposed a possible Morrissey nomination in 1961 and 1963.

It was learned Tuesday that Sen. Edward M. Kennedy (D-Mass.), had made several personal phone calls to members of the Council of the Boston Bar asking support for the Morrissey appointment.

The Council of the Boston Bar Assn.'s statement, released by its executive secretary, Frederick H. Norton Jr., did not explain on what grounds the council disapproved the Morrissey nomination.

It said in part: "No question was raised as to Judge Morrissey's high character and integrity. The Council authorized Robert W. Meserve, former president of the association, to deliver the vote and comment to the subcommittee at the hearing in Washington.

"His testimony, however, will be as an individual and on behalf of the American Bar Assn., not the Boston Bar Assn."

The Council is comprised of 30 members, 22 of whom were present at Tuesday's special meeting on the Morrissey appointment.

The Council represents the largest bar association in the state, with more than 8000 members.

The Senate hearing will be before a judiciary subcommittee headed by Sen. Thomas J. Dodd (D-Conn.). Conflicting appointments of two other subcommittee members made it necessary to postpone the hearing until 10 a.m. Tuesday.

Morrissey's nomination is also opposed by Albert E. Jenner Jr. of Chicago, chairman of the American Bar Assn.'s judicial selection committee.

Jenner and possibly two others from the judicial selection committee are scheduled

to testify at the hearing. The Boston Bar Assn. has not indicated whether it will send a witness.

An outspoken opponent to the nomination has been Chief Judge Charles E. Wyzanski Jr. of the District Court in which Morrissey would serve.

Morrissey has the support of Sen. Edward M. Kennedy,

who recommended him to President Johnson; House Speaker John W. McCormack (D-Mass.); Cardinal Cushing; State Sen. Joseph D. Ward, chairman of the Massachusetts Legislative Committee on the Judiciary; the Massachusetts House of Representatives, by a 171-27 vote, and the Massachusetts Trial Lawyers Assn.

Bar Assn., Morrissey Conflict

Training In Georgia Queried

By JAMES S. DOYLE
Globe Washington Bureau

WASHINGTON—American Bar Assn. officials testified before a Senate subcommittee Tuesday that Boston Municipal Court Judge Francis X. Morrissey was without qualification from the standpoint of legal training, experience and ability for the Federal bench.

At the same hearing Sen. Edward M. Kennedy, Morrissey's Senate sponsor, called Morrissey a man "of great integrity... of high honor and incorruptible."

To support the case Kennedy presented the names of 50 judges in the commonwealth who asked to be recorded in favor of the appointment.

It was only the beginning of a day of conflict before the three-man subcommittee, which is expected to vote favorably on the nomination today and send it to the floor of the Senate for confirmation before the end of the week.

Judge Morrissey's legal training was questioned.

Albert E. Jenner Jr., chairman of the Judiciary Selection Committee, testified that Morrissey in 1933, while still a resident of Boston, had traveled to Georgia, got a diploma from "the Southern Law School" and was admitted to practice before three levels of the state and Federal courts in Georgia. He did this all in two days without examination, Jenner said.

Morrissey denied the overnight trip to Georgia to pass the bar and said he prepared at a school for three months and remained in the state another six, trying to launch a law practice.

Morrissey, who was nominated by President Johnson to the Federal District Court in Massachusetts, went to the witness chair to give his sworn testimony after a sharp attack by three members of the bar association.

Kennedy said, "Another important consideration for a judge is that he be a man of standing in the community under his jurisdiction.

"His decisions will inspire more confidence if his past record inspires confidence. From my observation, Judge Morrissey is highly respected throughout the Commonwealth of Massachusetts. He has held many responsible positions in our public life.



A HEARTY LAUGH is shared by Judge Francis X. Morrissey and his wife before

Senate hearing. Sen. Kennedy, who sponsored the judge, is at right. (UPI Photo)

Didn't Try to Use Ga. Bar Admission Here—Morrissey

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"He has, for example, been chairman of the Federal Home Loan Bank of New England, which supplies credit services to banks with over \$300 million.

"He understands the law, but, equally important, he understands the people who come before the law, and thus he can make the law an instrument of justice.

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"The one important consideration in recommending a judge, by far, is his character and integrity. A judge must be absolutely incorruptible. Judge Morrissey's qualities of character are of the highest order."

Jenner said Morrissey was "lacking in intellectual capacity, scholarship and legal knowledge, legal experience, trial experience and general practice of law" and should not be confirmed.

Bernard G. Segal, a past chairman of the A.B.A.'s standing committee on the Federal judiciary, told the subcommittee, "From the standpoint of legal training, legal experience and legal ability, we have not had any case where these elements were less applicable."

In addition to Kennedy, House Speaker John W. McCormack made one of his rare appearances in the other house of Congress to speak in favor of Morrissey.

He said it was a great pleasure to convey to the subcommittee "my very deep respect and friendship for Judge Morrissey."

McCormack said he has known Morrissey about 25 years and admires and respects him very much.

"He is honorable and trustworthy in every respect," he added.

"There is no question about the wonderful life Frank Morrissey has lived. We have a man here whose background from a human angle is about as fine as it can be, and, gentlemen, the nearest we can do is approximate perfection.

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"Frank Morrissey symbolizes and represents those nice things in life. I like a man who is loyal, and so do you. He has been loyal to the Kennedys, and they're all dear friends of mine too.

"The only question that can possibly be raised is that twice he didn't pass the bar.

"When I got my notice that I passed the bar examination over 40 years ago—I didn't believe it. I ran down to a drugstore, called the bar examiners and asked them if John W. McCormack had indeed passed the bar.

"Frank Morrissey didn't pass the bar a second time, but his ambition was not dimmed and he tried again. He's that kind of man."

Although he had to state his intention at the time to



BEFORE THE HEARING—Sen. Everett Dirksen with Albert E. Jenner, who testified for the American

Bar Assn., and Bernard C. Segal and Robert Meserve of Boston, A.B.A. members. (AP Photo)

practice law in Georgia, Jenner said, Judge Morrissey immediately returned to Boston.

The judge, however, told the committee that he had actually spent nine months in Georgia and had attended a three-month course at the now defunct Southern Law School, which, he said, had three faculty members.

After admission to the Georgia bar, Morrissey said, he stayed in the state about another six months trying to start a law practice but was unable to get one case. He said he did part-time selling and finally left the state for Boston in March, 1934.

Morrissey is now 55.

Earlier in the day a parade of witnesses had praised Morrissey's personal and judicial character, including House Speaker John W. McCormack, Kennedy, the president of the Massachusetts bar, a superior court and municipal court judge, a Queens college president and four other prominent Massachusetts lawyers.

Their testimony was matched in vigor by the appearance in opposition of Jenner, Robert Meserve of Boston and Segal who is from Philadelphia. All are prominent in the A.B.A.'s Judicial Selection Committee.

Meserve also represented the Boston Bar Assn., which opposed the nomination, and added the name of Den Erwin Griswold of the Harvard Law School to the list of those opposed.

Judge Morrissey sat through the six hours of testimony and finally was himself sworn shortly before 6 p.m.

He told the committee, "I have never placed any weight in my admission to the Georgia bar." He said he had never tried to use it to gain admission to the Massachusetts bar without examination.

Speaking of his days in Boston after high school, he said, "I attended law school and didn't get a degree."

Then, he said, a man named Charles Crowley from New

York, "who was 10 years older than me," suggested that "with intensive review at Southern Law School and with your background you could get admitted to the bar in Georgia.

"I didn't try any case in Georgia. We couldn't get any cases."

He added that there was a three-man faculty at Southern Law School in Athens, Ga., and that he was in Athens three months, from June, 1933, to Sept. 7, 1933, studying there. He said his teacher was "Dean Upson, who was the one who gave the course in the law of the state of Georgia.

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"Then I stayed there several other months and could not get any practice."

In all, he said, he was there "about a year—a little less than a year." Later he changed the period to nine months.

At this point, Sen. Joseph D. Tydings (D-Md.) asked Morrissey to "go over the Georgia time again," but before Morrissey could answer Sen. Thomas J. Dodd (D-Conn.), chairman, interrupted and interpreted Tydings' question as a

request for the date that Morrissey was accepted before the Georgia bar. Tydings concurred with Dodd's interpretation and discontinued questioning the witness.

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Sen. James O. Eastland then noted that the testimony of Jenner was at variance with what Morrissey was now saying, and Jenner returned briefly to the witness table.

"All the information I could obtain from Mr. Spaw (the A.B.A.'s investigator in Georgia) was that he could find no record of Mr. Morrissey remaining in Georgia," Jenner said.

Sen. Quentin N. Burdick (D-N. D.) then asked Judge Morrissey questions.

"Did you open a practice?" Answer: "No, I went back to Atlanta with Mr. Crowley. We did some part-time selling. We were unable to open an office."

Morrissey had already told the committee, "I have my weaknesses. They have been stated clearly, and I admit them as weaknesses. . . . When I went down there I honestly and sincerely thought that I could successfully practice law

in the state of Georgia. I was mistaken."

Morrissey also testified, in countering all the testimony about his poor academic record, that he once finished at the top of a Suffolk Law School class of 96 lawyers when he received his master's degree there, already having passed the Massachusetts bar.

"I had a burning desire to be an attorney and to know all about the law," he said. "I went back to Suffolk Law School to study. That hasn't been mentioned yet."

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Earlier the three opposing witnesses had offered detailed testimony critical of Judge Morrissey and aimed at refuting the two and a half hours of glowing tributes before the luncheon recess.

Jenner said, "Not one witness testified that he had seen Judge Morrissey in a courtroom before he ascended the bench.

He noted that Suffolk Law School was not a certified institution until 1953, a decade after Morrissey went there, and that even so "his dean certified that he had failed four courses.

"Failure to pass the bar is not the issue. What must be done is to determine the probable cause, why."

In Judge Morrissey's case, Jenner added, "we believe a poor scholarship record was the reason."

He said there was "no case where Judge Morrissey even argued or appeared in" the higher state or Federal courts of Massachusetts and he reminded the committee that in 1961 and 1963 the Massachusetts and Boston bar associations had opposed the judge.

He then quoted President Kennedy upon signing the omnibus judges bill in 1961 and saying he would choose men of unquestioned ability.

"There could hardly be a situation where a President knew more about a pet candidate. But President John Fitzgerald Kennedy did not nominate Judge Morrissey to the bench. . . . Attorney General Robert Kennedy, who also knew Judge Morrissey well, did not bring about his nomination."

He said the only difference in Morrissey's qualifications since that time is two more years on the Boston Municipal Court.

Then Jenner noted that Morrissey, in his record of experience submitted to the bar association, had never mentioned his Georgia experience.

"As soon as the Supreme Court of Georgia changed its rules and required exams of

all applicants, the Daniel Webster Law School and the Southern Law School went out of business," he said.

Sen. Everett M. Dirksen (R-Ill.), interrupted Jenner at one point in his discussion of Southern Law School to say, "I should have known that when I was struggling with the law."

Dirksen had said at the morning session that he himself flunked the bar exam his first time and that he did not consider that a proper issue in the Morrissey case.

Dirksen then elicited from Jenner the fact that, so far as Jenner knew, the defunct law school "had no faculty and didn't teach."

Dodd, then engaged Jenner in a discussion of successful Federal judges who came from municipal courts.

Jenner countered that these judges "had excellent scholarship records as well" and in most cases trial experience, too.

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Jenner was followed by Robert Meserve, who told the committee, "I don't believe in on-the-job training for Federal judges. In an interview I formed the opinion that Mr. Morrissey had never practiced before a jury in a state or Federal court.

"No one of my informants was able to tell me of a single case he had tried."

"There is no reference at any time in the records of the Supreme Court of Massachusetts that he attended any law school but Suffolk. . . .

"I interviewed Judge Morrissey, and he was unable to

give the name of a single case in which he had appeared before either state or Federal appellate court. He did mention Scannell vs. United States, an admiralty case, but it was settled without trial.

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"He says he lost his files," Dodd interrupted here.

Q—Mr. Meserve, did any informants give you favorable reports? A—Yes.

Q—Well, what was the percentage? A—I couldn't say.

Q—Well, I'm interested. About what percentage? A—Perhaps a half dozen were favorable and a half dozen opposed.

Q—"Is it fair to say you don't know how they broke down, but it was about even? A—

Yes.
Meserve then noted that at the morning session a witness (Kennedy) had said that "as a judge he has never been overruled by a higher tribunal" in describing Morrissey.

Meserve countered, "It isn't accurate to say he has not been overruled. If a trial is appealed, the case is tried 'de novo,' and the Boston Municipal Court trial record is of no consequence."

Dodd interrupted again.
Q—When did you last interview him? A—In 1961.

Q—Four years ago? A—Yes.
Q—Do you really think that was the most careful way to do it? A—Yes. . . . I was asked to submit one report, in 1961. I have not been asked for a report since. I have done the best to update my investigation.

Continued on next page

Morrissey Trails List, Segal Says

★ MORRISSEY

Continued from preceding page

tion. I have heard from many lawyers at the suggestion of Mr. Morrissey. I presume that if he had something to add, he would have contacted me.

Meserve was followed to the stand by Segal, who said he was sure Judge Morrissey had the judicial temperament and "until this week I was sure he had the proper character. I'll reserve judgment on that until I hear his explanation of the statements concerning his intention to practice in Georgia.

"But why did he say he was a resident of Georgia? Why did he say he had a diploma when there were certain prerequisites he didn't fulfill?

"Why didn't he say he was a student at Southern Law School at a time when his biographical sketch showed he was attending Boston College at night and Staley College in the day?"

Dirksen interrupted to say, "There's a rather unpleasant word for that. I won't use it."

When Morrissey took the stand, Dirksen, who had been asking pointed questions during the morning, had left the hearing room and did not return for the remainder of the hearing.

Segal continued "These applicants all list their 10 most important cases. We don't think some of them are important, but they list them. Judge Morrissey couldn't list them. He listed one admiralty case, but Mr. Meserve found it had been settled.

"This is the only case I know of where a person intent on becoming a lawyer took 16 years to pass the bar. . . . My pet theory is that all those years Judge Morrissey was not intent on being a lawyer."

In summation, Segal rated Morrissey at the very bottom of the list of hundreds of candidates he screened, in terms of legal experience.

Expanding on his testimony after the hearing and after Morrissey had testified, Segal was asked if he was satisfied with Morrissey's explanation of the Georgia residency.

"No, of course I'm not satisfied," he replied.

Asked if the A.B.A. planned any further investigation, he said, "Not if the Senate is going to confirm him tomorrow.

"He has all this detail about his occupation, and he simply never mentions his occupation in Georgia."

He called Morrissey the worst candidate for the Federal bench he had ever reviewed in terms of legal experience.

The afternoon testimony was at wide variance from the morning's. After Kennedy's statement, which he delivered forcefully, punctuating his thoughts by jabbing at the table in front of him, came McCormack.

He said it was "one of the rare appearances in my 38 years on behalf of any candidate before a Senate committee," adding that he was delighted to appear.

"I've known Frank Morrissey for 25 years at least. He is honorable and trustworthy and eminently qualified to occupy this office."

Outside the hearing room a reporter asked McCormack, "Then you don't think this was a political payoff for a friend of the Kennedy family?"

McCormack answered, "No, no, no," then after a pause added, "What's the matter with taking care of your friends?"

Ran Here in 1934

Candidacy Raises New Morrissey Issue

By ROBERT HEALY

Copyright Boston Globe, 1965

Boston Municipal Court Judge Francis X. Morrissey in 1934 ran for a House seat in the Massachusetts Legislature. The constitutional requirement to serve was a year's inhabitancy in the district.

Morrissey, who is the nominee for a judgeship in the Federal District Court of Massachusetts, testified before a Senate judiciary subcommittee that for six months after he was admitted to the Georgia bar in September, 1933, he lived in Georgia trying to establish a law practice.

This Boston Globe disclosure that Morrissey was a House candidate becomes pertinent because Morrissey, by his own testimony before the Senate Judiciary Committee this week, has made his where-

abouts in 1933-34 a central issues in his fight for confirmation.

The time element, according to the testimony he gave the Senate subcommittee, would have placed him in Georgia from June of 1933 to March of 1934. He told the subcommittee that before he was admitted to the bar he studied law at the Southern Law School in Athens, Ga., for three months.

If he had been in Georgia as a legal resident during that period he would have been ineligible to serve in the House.

Morrissey testified when asked by a member of the subcommittee if he considered himself a resident of Georgia during this time, "I did while I was down there, senator."

MORRISSEY Page 2

Conflict When Morrissey Was Here and in Georgia

★ MORRISSEY

Continued from Page 1

It was this portion of Morrissey's testimony before the three-man subcommittee on Tuesday in Washington which conflicted with the earlier testimony of Albert E. Jenner Jr., chairman of the Judiciary Selection Committee of the American Bar Assn.

Jenner said that Morrissey, while a resident of Boston, traveled to Georgia, got a diploma from the Southern Law School and in two days and without examination was admitted to practice before three levels of the state and Federal courts in Georgia.

This was one of the conflicts in testimony explored by Senate Minority Leader Everett

M. Dirksen when he requested that Judge Morrissey be recalled from Boston on Wednesday for further examination by the Judiciary Committee on the Georgia trip and Morrissey's graduation from the school which Dirksen referred to as a "diploma mill."

The committee on the same day approved the Senate nomination of Morrissey by a 6-3 vote.

Dirksen, who voted against the nomination, indicated there might be a floor fight by Republicans when the Senate votes on Morrissey next week, but he said he would not keep the Senate from voting on the nomination before adjournment.

Morrissey, in addition to testifying before the Senate committee Tuesday that he was a Georgia resident, signed

a petition on Sept. 8, 1933, stating that he was a resident of Georgia.

The petition, which was made part of the Senate record, was to the U.S. District Court for the Northern District of Georgia for admission to the Federal bar.

It states: "The petition of Francis X. Morrissey, a resident of Athens, in the county of Clarke, state of Georgia, within the Middle District of said state, sheweth that he had been admitted to practice law in the Superior and the (not filled in) Courts of the State of Georgia, and that he is at present an attorney at law practicing in said courts."

The petition was signed by Morrissey and by two sponsors, S. P. Upson and O. J. Tobias.

Morrissey was one of 16 candidates in the Sept. 20, 1934, House primary. He placed 12th and did not qualify for the final election. He received 420 votes.

Morrissey, in order to be eligible to serve in the House, would have had to be an inhabitant of the House district since the previous January, 1934, a time, he testified before the Senate subcommittee, he was a resident of Georgia.

Morrissey ran from what was then Ward 2, in Charlestown, the place of his birth.

At this same time, he was

PHOTOSTAT of official results of 1934 House of Representatives primary election.

listed in the Boston city directories of both 1933 and 1934 as being a resident of 15 Prospect st., Charlestown, and his occupation was listed as teller.

Morrissey worked as a return teller at the Atlantic National Bank in Boston sometime before he ran for office. The bank failed during the depression.

Article 71 of the Massachusetts Constitution sets as a requirement for the House: "Every representative, for one year at least immediately preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth."

Efforts by the Globe Thursday to reach Judge Morrissey for comment failed. The Hotel Madison in Washington where he stayed while he was examined by the Senate said he had checked out Thursday morning. At his home in Jamaica Plain, a reporter was told

Thursday night that he had not yet arrived from Washington.

Morrissey, in his initial appearance before the subcommittee on Tuesday, testified that he thought it would be helpful if he cleared up the "Georgia situation."

He said that he attended Boston College evening school prior to going to Georgia.

"There I met a very fine man by the name of Charles Crowley, who was 10 years older than I was, who suggested that I could go down to Georgia and there take an intensive review in the Southern Law School and you could get, with the background that you had at Suffolk University Law School, your degree. Now, I have said, senator, that I showed poor judgment at that particular age. Perhaps I did not show proper maturity."

Q—(By Sen. James O. Eastland-D-Miss.) How old were you? A—(By Morrissey) At that time 22. Now, I have never placed any weight in the degree I received from Southern Law School. Nor did I try in

Second District — Con.		Second District.	
Boston: Ward 2		Boston: Ward 2	
Ralph J. Gramara of Boston.	330	George A. Bogan of Boston.	90
James J. Kiley of Boston.	287	James A. Buckley of Boston.	103
Edward Morey, Jr. of Boston.	494	Matthew L. Crehan of Boston.	950
Francis X. Morrissey of Boston.	420	John Patrick Doherty of Boston.	2110
William P. Prendergast of Boston.	749		

any way, if I understand the very able and fine men who appeared before me in the opposition this afternoon, to try to get into the practice of law in Massachusetts in a reciprocal agreement. As a matter of fact, I did not try any cases in Georgia. I could not get any cases in Georgia. I spent about six months—

Q—Did Southern Law School have a faculty—what was it? A—When I went down there, three men.

Morrissey testified, "I was there altogether a little less than a year or about a year."

This was a reference to his stay in Georgia.

Q—(By Sen. Joseph D. Tydings (D-Md.)). How long did you stay in Georgia? A—I stayed in Georgia totally about nine months.

Q—(By Eastland) Well, it has been testified here you left the following day. A—Well, I do not know where—

Q—That is a material discrepancy. A—I do not know where they got that testimony, senator.

Q—Sir? A—I did not leave the following day.

At this point Eastland recalled Jenner who said, "What I said, Sen. Eastland, was that from all the information I could obtain from Mr. Spann of Georgia, a member of the board of governors of the American Bar Assn., that he could find no record of Mr.—of Judge Morrissey having remained in the state of Georgia following his admission."

Morrissey testified, "When I went down there (to Georgia), senator, I honestly and sincerely thought I could practice law and be successful practicing law in Georgia. I found out differently."

Later, in answer to Sen. Quentin Burdick (D-ND), about whether he had opened a law office, Morrissey replied: "No, I did not open a practice, senator. I went down with Mr. Crowley to Atlanta, Ga., and we tried to get work and we did some part time selling there and stayed just for six months, and we could not open an office."

Ted Vows Push for Morrissey

By JAMES S. DOYLE
and
MARTIN F. NOLAN

Globe Washington Bureau

WASHINGTON—Sen. Edward M. Kennedy (D-Mass.) declared Friday night he was prepared to "ride right on through" with the nomination of Judge Francis X. Morrissey to the Federal bench.

He indicated he was determined to push for Senate confirmation, despite attacks on the credibility of the Boston nominee.

Senate Democratic leader Mike Mansfield of Montana said he expected to introduce President Johnson's controversial nomination of Morrissey in the Senate on Tuesday.

Sen. Kennedy, denying he was under any pressure to withdraw the name of his family's close friend, said he would take "another reading" of the situation on Monday before deciding whether to let the Senate vote on Morrissey.

But Senate confirmation of Morrissey to the U.S. District Court in Boston seems less certain by the day.

For one thing, Senate Republicans, under leader Everett M. Dirksen, were making noises as if the Morrissey nomination would be fought along party lines, as an anti-Kennedy, anti-Johnson issue all wrapped in a neat package for use in the 1966 congressional elections.

For another, Senate Democrats were aware of the Republican noises, and, in conversations with reporters, were no longer stressing the senatorial courtesy aspect of judicial nominations. They were more interested in the transcript of testimony by Morrissey during two appearances before members of the Senate Judiciary Committee.

In fact, with the revelation by The Boston Globe that Morrissey had been a candidate for office in Boston later in the same year that he testified he resided in Georgia, the hearing transcripts became the best-read documents in recent Senate history.

MORRISSEY

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New Protests to Judicial Selection

* MORRISSEY Continued from Page 1

In view of the possible conflicts in Morrissey's testimony, the Justice Department reopened its investigation of the nominee Friday, sending FBI agents in Boston and Georgia out to recheck his background.

Sen. Kennedy lunched Friday afternoon with Atty. Gen. Nicholas Katzenbach and discussed the Morrissey nomination. The attorney general reportedly had tried previously to persuade Kennedy not to push for the nomination.

"We've got people trying to find out what really happened in Georgia," Sen. Kennedy asserted to newsmen. "That's the question now. That's where they're attacking his (Morrissey's) credibility."

A Kennedy aide added: "We're trying to find out what happened in Georgia and when we know we'll do the right thing."

Kennedy himself began an attack on those who have criticized Morrissey, citing what he said were 15 "misrepresentations" in anti-Morrissey testimony.

Kennedy referred at one point to the statement by Albert E. Jenner Jr., chairman of the American Bar Assn.'s Judicial Selections Committee.

Jenner had said "as near as we can determine," Morrissey returned immediately to Boston after being admitted to practice in Georgia.

Jenner "changed his story," according to Kennedy, under questioning by Chairman James O. Eastland (D-Miss.) and at that time stated the bar association had no evidence that Morrissey had remained in Georgia.

This, Kennedy said, was an example of the "misleading innuendo" which has led to questioning of Morrissey's character.

Only three copies of the official transcript of the second Morrissey hearing—an executive session closed to the press—were on hand Friday.

One was in the committee office, unavailable to all but the most privileged committee eyes.

The second spent the day in Sen. Kennedy's office, where the Senator and aides were reading it.

The third was in the office of Minority Leader Dirksen, who told reporters the Morrissey case was getting pretty "complicated" and added there might be developments among the Senate Republicans. "I have my lines out. I'm trying to promote something," he said.

In Boston, meanwhile, Secretary of State Kevin H. White said that Judge Morrissey would have been required by the state constitution to reside in the Charlestown district for at least a year if he had been elected to the House in 1934.

In response to a query by a newsmen, White said state laws at that time did not require a candidate's nomination papers to include a statement as to length of residence.

The White statement did not give an opinion on whether Morrissey met the state's residency requirements. It described the law as applicable to Morrissey in 1934.

As the controversy continued, so did the newspaper criticism. The New York Times, Baltimore Sun and Chicago Tribune raised their voices in protest.

The Washington Star joined the other two Washington dailies in criticism.

"Francis X. Morrissey is not a good choice for a seat on the highest trial bench in the Federal judiciary," the Star's editorial began.

The New York Times, in its second editorial on Morrissey, said, "The Senate will shame itself and abdicate its responsibility—as its judiciary committee has already done—if it confirms this incredible appointment."

In another development, the New York State Association of Trial Lawyers sharply criticized the judiciary committee's approval of the Boston municipal court judge.

The trial lawyers sent a telegram to Sen. Mansfield stating that for the Senators to "completely disregard the respected bar association's opinion . . . only indicates that the committee serves no other function than that of a political rubber stamp."

When Sen. Mansfield was asked if he intended to vote for Morrissey, he replied, "Sure."

The chief complaint against Judge Morrissey, lodged by the bar associations, was that he lacked trial experience and had all the makings of an inept judge.

Bernard Segal of the American Bar Association, who has checked thousands of applicants in his capacity on the Judicial Selection Committee, told reporters Tuesday that Morrissey was "the worst nominee" he had ever checked.

But what seemed to have changed the tide in the Senate, which was headed for approval without asking many questions, was another matter altogether.

Senators who were willing to close their eyes on Judge Morrissey's trial experience were brought up short by discrepancies pointed out in the hearing transcripts concerning the judge's residence and activities in 1933 and 1934, when Morrissey admits to having gotten a "quickie" acceptance before the bar of three different Georgia courts just after graduation from the Southern Law School, which Dirksen likes to call "a diploma mill."

The most significant indication of a changing tide in the Senate was the actions of Sen. Joseph D. Tydings (D-Md.), a close friend of Sens. Edward M. and Robert F. Kennedy.

Tydings was appointed U.S. Attorney for Maryland by President John F. Kennedy. He ran the JFK campaign in the state under the overall direction of brother Bobby and he has been close to Ted since they became colleagues in the Senate.

Yet Tydings painfully came to the conclusion Friday that he must vote against Ted and against the Morrissey nomination.

Tydings had listened to some of the hearing testimony Tuesday, but only briefly. He was not a member of the special subcommittee listening to the Morrissey case.

On Wednesday, when the full judiciary committee met to listen to more testimony from Morrissey and to vote Tydings was one of seven members of the 16-member committee who was not present. He chose not to take advantage of his right to be recorded within 24 hours after the veto.

Senator Jacob Javits (R-N.Y.) was so recorded against confirmation when he returned to the city.

When reporters asked Tydings

Thursday how he would vote when the matter came to the floor, he announced that he was going to Viet Nam on Saturday, and would probably be away when the vote was taken.

But Friday Tydings announced he would once again postpone his Viet Nam trip, and would be present to vote. Before coming to the Senate press gallery with that announcement, Tydings stopped by Sen. Kennedy's office and chatted briefly.

The significance is that earlier in the day Tydings had made a speech on the Senate floor about "judicial excellence."

"The easiest way to remove an unqualified judge is not to appoint him in the first place," Tydings told the senate.

"When controversy arises over a potential nominee, too often the battle rages in the darkness of inadequate information," he said.

During his visit to the press gallery Tydings took pains to explain that his Senate speech had been under preparation for months and that it was not meant as a comment on the Morrissey nomination.

Reporters noted that the speech nonetheless did apply to the Morrissey nomination, and asked Tydings how he would vote.

"I'll apply those paragraphs just as they are written," he answered.

Asked if Sen. Kennedy had asked him to stay around for the vote, Tydings smiled and said "no, he didn't ask me to be here."

But he added that he would be present and would vote "if it comes to a vote."

That last phrase was an echo of reports that had been heard throughout the capital during the day.

Senators who were caught between their constituents, their consciences, and the Kennedys, were quoting a precedent where such a nomination never came to a vote.

In 1963 President Kennedy named David Rabinovitz to a Federal judgeship in Wisconsin and the Senate declined to confirm the nomination. Later President Johnson gave Mr. Rabinovitz a recess appointment and the Senate, when it again convened, withheld approval.

This time, so the reports go, there will be no recess appointment if the Senate does not act.

Of the four Republican Senators who discussed the Morrissey development, only Leverett Saltonstall was noncommittal.

Saltonstall, who faces reelection next year, had issued

a "no objection" statement shortly after President Johnson appointed Morrissey.

Friday, he said: "the Senate Judiciary Committee has voted to report Judge Morrissey's name to the Senate for confirmation. Whether, in the light of further discussions, it will take any further action remains to be seen."

"I have no further comment at this time," he said.

Saltonstall's party leader, Dirksen, was quoted by the Chicago Daily News as saying "the President ought to withdraw the nomination"

"You can't just blink at these things," Dirksen said. "This gets a little more complicated every day"

The Illinois Republican later denied having so advised the President, saying "I would not be so presumptuous."

Sen. Hugh Scott (R-Pa.), who voted in committee against Morrissey, along with Dirksen and Sen. Ervin (D-N.C.), issued a statement from Philadelphia, saying "the Morrissey case has its Alice-in-Wonderland aspects."

"As Alice said, 'Things get curiouser and curiouser.' There do appear to be some distinct conflicts in his testimony in the light of these new revelations (from Boston). Senators must search their consciences on this matter of confirmation," Scott said.

In the first words spoken about Morrissey on the Senate floor by a Republican, Sen. Jack Miller of Iowa declared that "there should be no Senate confirmation of this nominee."

"There are now second thoughts as to the confirmation of Mr. Morrissey," Miller said. "The questions center around his place of residence during certain critical months of a year in which he ran for the state legislature in Massachusetts."

"Was he a resident of the state for a full year as required or was he in Georgia?"

"This brings up the area of whether records were misrepresented and adds fuel to the fire of whether Mr. Morrissey has the qualifications for a Federal judgeship."

Sen. Javits said in New York he was "angry" that he had not been given a chance to record his vote against Morrissey.

Javits, who had been in New York campaigning for Cong. John V. Lindsay in the latter's mayoral race, told his office here that he wished to be recorded against the nomination.

The extension of "senatorial courtesy" given to Edward

Kennedy from Saltonstall was not granted by Javits to Robert Kennedy. Both New York senators, in fact, are scheduled to be in Buffalo on Tuesday, when Morrissey's nomination is scheduled to come before the Senate.

The two are slated as speakers before the AFL-CIO convention that evening and prolonged debate could force both of them into a "pair" vote rather than a live vote.

G-Men Winding Up 2-State Probe of Where Morrissey Lived When

MARTIN NOLAN

Boston Globe (1960-1979); Oct 18, 1965; ProQuest Historical Newspapers *Boston Globe* (1872 - 1979)

pg. 3

G-Men Winding Up 2-State Probe of Where Morrissey Lived When

By MARTIN F. NOLAN
Globe Washington Bureau

WASHINGTON — Agents of the Federal Bureau of Investigation in Georgia and Massachusetts were finishing this week-end their examination of the legal career of Francis X. Morrissey.

They are expected to present their facts to the Justice Department and the Senate Judiciary Committee early this week.

A vote on President Johnson's nomination of the 55-

year-old Jamaica Plain resident is expected Tuesday afternoon after the Senate Republican Policy Committee meets to establish a position on the appointment.

Morrissey supporters here express confidence that his six-month stay in Georgia will be verified by the FBI investigation.

Sen. Edward M. Kennedy, sponsor of the appointment, said Friday that the Senate would have "complete information and responses" to the

American Bar Assn.'s charges against Morrissey before the Senate takes a vote.

Kennedy was unavailable for comment on the latest disclosure in a copyrighted story in *The Globe* that Morrissey's assertion that he attended "evening law school at Boston College" was not borne out by college records.

The FBI investigation, the third on Morrissey's background, is expected to concentrate on city directories and

other documents in Athens and Atlanta, where, Morrissey told a Senate Judiciary subcommittee last week. "I considered myself a resident."

Southern Law School, from which Morrissey was graduated, is also due to be sized up in the report.

SOUTHERNERS SPEAK

Two alumni of the school were recommended by Morrissey supporters in Kennedy's office to those inquiring about its facilities.

Chappell Matthews of Athens, a member of the Georgia Legislature, said he had given a statement to the Justice Department and would not say anything further.

J. T. Middlebrook, also an Athens lawyer, said he never knew Morrissey, but praised the now-defunct law school and its three-man faculty of "excellent teachers."

"A man could learn a lot of law there if he applied himself," Middlebrook said. He also praised the "right large library" of the late S. E. Upson, dean of the school and a former teacher at the University of Georgia Law School, also in Athens.

Middlebrook said classes at the school, quartered in two rooms of the Southern Mutual Insurance Co. building in Athens, numbered "about 25, I imagine."

Albert E. Jenner, an official of the A.B.A., had testified that, "as nearly as we can determine," Morrissey left Georgia Sept. 8, 1933, the day after his diploma from Southern Law School admitted him to practice before the Georgia Bar.

If the FBI report discredits Jenner's testimony, which has been characterized by Morrissey supporters here as innuendo, several doubts will remain. Morrissey, after all, has said himself that he "never gave any weight" to his Georgian training.

The two other apparent discrepancies remain. The first is Morrissey's simultaneous inhabitancy of Charlestown with his testified residence in Georgia in 1934.

Secretary of State Kevin White said Morrissey did nothing illegal by running for a seat in the Massachusetts Legislature, which requires a year's prior inhabitancy.

TONGUE SLIP?

Standards of political credibility and presence of mind, rather than straight questions of legality, also apply to the second apparent puzzle in Morrissey's statement, his role as a student at Boston College.

Several of the judge's supporters here assert that Morrissey's statement on his student days before the committee was "a slip of the tongue." They point out that nowhere else, in Senate testimony or in his official biographical sketch given to the A.B.A., did Morrissey say he studied law at B.C.

His exact sentence as spoken, however, will again face the political requirements of the Senate, rather than the legal qualifications of a courtroom.

He said, "And I—without any judgment, I suppose—I

went back to evening law school at Boston College."

In Boston, former Mayor John B. Hynes defended the appointment and the reputation of Morrissey's alma mater, Suffolk Law School.

He said in a letter to Sen. James O. Eastland, chairman of the Senate Judiciary Committee, that as a Suffolk graduate Morrissey "is a good citizen, full of the kind of learning and experience which will make him a good justice of the Federal Court of this jurisdiction."

Hynes, mayor from 1950 to 1960 and now state banking commissioner, took exception to Jenner's testimony about Suffolk.

NOTED GRADS

He said Jenner "quite correctly testified" that Suffolk Law School did not become an accredited law school until 1954, ten years after Morrissey was graduated from the school and had passed the Massachusetts bar examination.

"It seems to me," he continued, "and to many others who graduated from Suffolk Law School prior to 1954, that Mr. Jenner left the impression with your committee—and I am quite sure he did not intend to do so—that Suffolk Law School prior to 1954 was of inferior grade, bestowing law degrees on graduates of inferior ability and potential.

"I sincerely hope that members of your committee did not get this impression, for it would be a fallacious one and entirely contrary to recorded fact."

Hynes said he, Mayor Col-

lins, Morrissey and many other aspiring young men of little means went to Suffolk and took advantage of opportunities "to obtain a cherished law degree and become a member of a proud profession."

Morrissey's Atlanta Address Backed by Katzenbach

Saltonstall Alters Stand; Vote Due Today

By JAMES S. DOYLE and MARTIN F. NOLAN

Globe Washington Bureau

WASHINGTON—Attorney General Nicholas Katzenbach backed up Francis X. Morrissey's story of his legal career in Georgia Monday night.

In a letter to Sen. James O. Eastland, chairman of the Senate Judiciary Committee, Katzenbach summarized an FBI report on Morrissey's education in Georgia.

"I conclude that there is no basis whatsoever to question either Judge Morrissey's credibility or his recollection of the events surrounding his studies in Georgia," the attorney general said.

For written evidence, Katzenbach offered a registration card for Staley College of the Spoken Word in Brookline, Mass., with Morrissey's signature and a permanent address of 880 Juniper st., Atlanta, Ga., signed on Nov. 2, 1933.

A Justice Department spokesman said later that the FBI survey produced no other record to prove that Morrissey stayed later than that date.

Morrissey had testified before a Senate subcommittee that he had stayed in Georgia six months after he was admitted to the Georgia bar Sept. 8, 1933.

The report, issued shortly after 9 p.m., came on the eve of a possible Senate vote on confirmation of the 55-year-old Jamaica Plain resident.

Party lines hardened in the Senate Monday as Sen. Saltonstall early in the day withdrew his previous statement of "no objection" to the appointment.

Sen. Jacob K. Javits (R-N.Y.) said he would move to recommit the confirmation back to the Senate Judiciary Committee, where it was approved last week on a 6 to 3 vote.

Katzenbach's report did not mention the FBI's foray into Boston City Hall voter registration records, where Morrissey's name was signed as a resident of Charlestown on July 26, 1933.

"I assume he was there," a Justice Department spokesman said. "We made no check on the handwriting."

At this time, Morrissey testified, he was studying law at Southern Law School in Athens, Ga., from which he was graduated Sept. 7, 1933.

In re-registering as a voter, Morrissey gave his occupation as student and his address as 15 Prospect st., Charlestown.

He had to re-register because his name appeared on the Boston police listing in 1932 but not in 1933. The Election Department so notified him by postcard.

MORRISSEY Page 2

Probers Told: Morrissey Stayed On in Georgia 'For Some Months'

★ MORRISSEY Continued from Page 1

In such cases, a police re-check to verify residency is necessary before the person becomes eligible to re-register as a voter.

Customarily, however, students studying out of state are given considerable leeway in registering as voters while actually away from their resident state.

Katzenbach's letter to East-Southern Law School from land said: "Whether Judge June until September, and Morrissey returned to Boston thereafter remained for some at this time or subsequently months in Georgia."

has not been determined.

"The facts adduced by the investigation," the attorney general declared "support Judge Morrissey's testimony that he attended classes at the

Massachusetts from June until November."

"This fact must be weighed against the recollections of several witnesses who attest his presence in classes in Georgia during this period of time," Katzenbach added.

A spokesman said later that no member of the FBI had talked to Morrissey himself during this latest investigation, and that the witnesses who said they saw Morrissey in Georgia provided the only other evidence of his presence.

Southern Law School, according to the spokesman, did not keep registration cards, although the FBI report did un-

cover the payment of a fee to the school by Morrissey.

Katzenbach dismissed another apparent discrepancy in Morrissey's account of his educational activities uncovered by the Boston Globe last week.

This was the statement given to the subcommittee by Morrissey that he "went back to evening law school in Boston College."

"I have concluded," the attorney general said, "that this one reference to 'law' was inadvertent on his part, and does not bring into issue his credibility."

'MOVE TO RECOMMIT'

After Saltonstall announced that he was withdrawing his "no objection" response to the Morrissey nomination, he called for referral of the nomination back to the judiciary committee so that "further testimony from Judge Morrissey himself may be taken . . . and these uncertainties cleared up."

Judiciary committee staff members could not remember when a senator had last withdrawn his tacit approval of a judicial nomination put forward by his colleague from the same state.

Sen. Jacob K. Javits (R-N.Y.) followed Saltonstall's statement with an announcement that "if the leadership insists on calling up the Morrissey nomination tomorrow (Tuesday), I will move to recommit the nomination to the Judiciary Committee for further consideration."

Most Senate observers saw the Saltonstall-Javits statements as part of a general Republican maneuver, captained by Minority Leader, Everett Dirksen to get the Morrissey nomination back in committee where it could quietly die.

Such a maneuver would offer the least embarrassment to Sen. Edward Kennedy as well as to other Democratic senators who wish to support Sen. Kennedy.

It would also make it easier for those Democrats opposed to the Morrissey nomination to vote for recommitment, rather than to vote directly to reject a nomination of President Johnson for the Kennedy wing of the Democratic party.

TED GOES ALL OUT

Dirksen forecast, "an extended Republican presentation" when the nomination comes to the floor. Asked if he expected many Democrats

to vote against Morrissey, Dirksen said, "They've been reading the front pages."

But Sen. Kennedy made it clear that he was not ready to see the Morrissey nomination die, apparently on the theory that whatever harm was already done to him might be compounded should he finally lose the battle.

"Teddy is collecting all his coupons (political debts) on this one," a high Senate source said. "And he's writing quite a few new ones. Don't ask me why, but he is."

"All the counters on the Kennedy staff are out beating bushes," the source continued, "and by tonight Teddy should have a pretty good idea whether he can pull the nomination through."

Kennedy has been saying since Friday that he would go all the way for the Morrissey nomination, and his office has been predicting that "things would start to get better" this week.

Just how good "better" is was very uncertain. Neither Republican opponents nor Kennedy would give any inkling of what the Senate nose count had turned up.

The best informed estimate was that all of the 32 Republican senators who were in town Tuesday would probably vote for recommitment. Another five to 10 Democratic senators were expected to do likewise.

Most counts had Democratic Senators Sam Ervin Jr. of North Carolina, John L. McClellan of Arkansas, Joseph S. Clark of Pennsylvania and Joseph D. Tydings of Maryland voting against Morrissey.

JOHNSON FIRM

If the opponents could muster as many as 40 votes on the floor, and the 100-member Senate had a normal amount of absenteeism, Morrissey's nomination would be in jeopardy.

The more absent, the darker Morrissey's chances, all other things being equal. And a source in Sen. Mike Mansfield's office told reporters, "absentees have been running high lately."

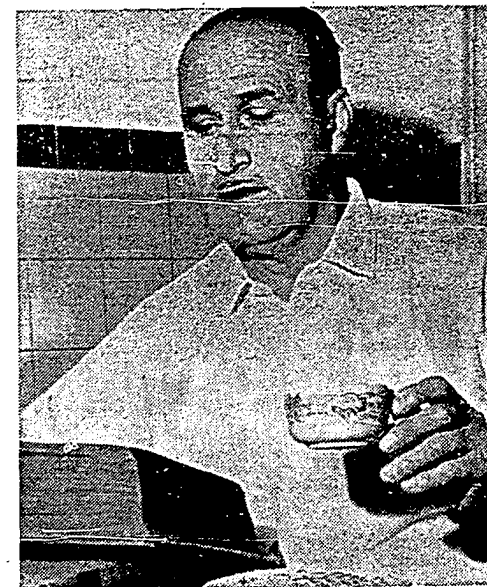
It became certain Monday that the Senate would finally decide the nomination, at any rate.

White House Press Secretary Bill Moyers answered "no" when a newsman asked whether President Johnson intended to withdraw the nomination.

The full text of the Javits statement is as follows:

"The nomination of Francis X. Morrissey to the United States District Court in Massachusetts has now become a highly controverted matter with significant implications to the whole caliber, standards and morale of the Federal courts. It is not a matter which the Senate should be rushed into considering, especially in these final days of this session.

I have studied with extreme care the record of the committee hearing this nomination—and I wish to underscore the fact that the hearing took place in one day, including subcom-



MORRISSEY FRIEND during his stay in Georgia was Charles Crowley, now 59. (AP Photo)

mittee and full committee considering the fine opinions of him as a man by many people in his community, which I have noted with respect. For these reasons, I felt it necessary to record myself as voting "no" to reporting his nomination to the Senate.

Since the Judiciary Committee favorably reported Judge Morrissey's nomination to the Senate, new information and new allegations have

been published regarding possible conflicts in Judge Morrissey's testimony, and certain other aspects of his background, education and experience. In addition, an FBI investigation has been ordered to deal with the conflict over residence in Georgia.

It seems to me highly inadvisable for the Senate to consider this nomination tomorrow as presently contemplated, without a full consideration of this new information. Out of fairness to Judge Morrissey alone, and out of respect to the Federal bench as a whole, a more thorough review and hearing is required.

Hence, if the leadership insists on calling up the Morrissey nomination tomorrow, I will move to recommit the nomination to the Judiciary Committee, for further consideration."

Atty. Vane Hawkins of Athens, Ga., said Monday that Morrissey was one of his students when Vane was lecturing at Southern Law School in 1933.

Hawkins labeled untrue statements by the American Bar Assn. that Morrissey stayed only a matter of days in Georgia. "He stayed here some time," he said.

Charles R. Crowley of Atlanta said he and Morrissey were classmates at Suffolk Law School in Boston and at Southern Law School.

"We spent about three and a half to four months in law school and we were admitted to the bar together," he said. He was speaking of the Georgia bar.

Political Circuit

Questions Left On Morrissey

By ROBERT HEALY

Political Editor

WASHINGTON—There were two questions left Tuesday night in the Senate battle over the nomination to the Federal bench of Boston Municipal Court Judge Francis X. Morrissey.

What was the impact in the Senate of Atty. Gen. Nicholas Katzenbach's statement that the F.B.I. had checked Morrissey's story and found it accurate?

And does Sen. Edward Kennedy have the votes to confirm Morrissey?

Both are related.

The Katzenbach statement, with the imprint of the Federal Bureau of Investigation all over it, was to have been the big gun in the confirmation battle. The statement glossed over Morrissey's registration as a voter in July of 1933, when he testified he was studying at Southern Law School, Athens, Ga.

It ignored the fact that Morrissey ran for office in Massachusetts in 1934—an office which the Constitution required a year's residence in order to serve. Morrissey had testified he spent part of 1934 in Georgia.

CIRCUIT Page 13

Senate Still Can Save Ted

★ *CIRCUIT*

Continued from Page 1

But most important to Tuesday's events, the Katzenbach statement attempted to show that Southern Law School was not a fly-by-night school, that it had an impressive faculty, conducted a two-year law course, gave examinations and that it took advanced law students such as Judge Morrissey and afforded him advanced standing.

Senate Minority Leader Everett Dirksen, a leading figure in the conflict, called the Katzenbach statement "confession and avoidance—that's a legal plea where at the same time you confess and avoid."

"It did not add up to much," he said of the statement.

And then he struck a blow at Southern Law School. Dirksen said that in executive session, Morrissey told him under questioning he would have to agree with the senator: "It wasn't a law school." Dirksen went on: "He said, 'The dean said I wouldn't have to study.'"

It was difficult for Katzenbach to make a serious law school out of the Athens, Ga., institution in the face of Morrissey's testimony.

And it was for this reason Katzenbach's statement was not having a major impact on this case.

Sen. Leverett Saltonstall's position is a case in point. The conflicts in Morrissey's testimony before the committee lead Saltonstall to withdraw his "no objection" statement to the nomination. He said he thought the matter should be referred back to the committee where these conflicts should be investigated.

Katzenbach's statement did not change Saltonstall. He will still vote to send it back to committee if that vote has to be made.

And if Dirksen's count is accurate, it did not change one vote on the Republican side of the aisle.

That brings the matter to the vote.

It may never come to that.

One Southern senator with a pipeline to the White House told a reporter: "The vote's not coming tomorrow. Not the next day either."

What he meant was that the Senate will not vote on the nomination this session. He meant that the Senate will save Sen. Kennedy the embarrassment of a serious defeat.

It could happen this way. On the other hand, there will be a vote if Kennedy insists on one.

Tuesday night Kennedy's office released a statement which said there are more votes in favor of the nomination than opposed. An hour earlier both United Press and Associated Press stories emphasized Dirksen's claim of more than 40 votes against the nomination.

Dirksen's statement that the Republicans will vote solidly against it must be believed. And there is no doubt there are more than a handful of Democrats against. The emergence of the respected Sen. Sam J. Ervin Jr. of North Carolina as a leader on the Democratic side of the aisle against the nomination is significant.

And if the senators detect that Kennedy is losing ground, he is going to lose a lot more votes.

The point is that for the first time here the nomination may be in trouble.

One thing is certain, if it goes to the floor the fight will be bitter and Kennedy will be hurt politically.

But the Senate has ways of taking care of one of its own. It may never get to that vote.

Ted Says He Has Votes Dirksen Doubtful Morrissey Can Win

By JAMES S. DOYLE and MARTIN F. NOLAN
Globe Washington Bureau

WASHINGTON—The Senate Tuesday delayed, at least until late today, a vote on the nomination of Judge Francis X. Morrissey, and for the first time his confirmation was in doubt.

These were the rapid-fire developments in the deepening controversy over Sen. Edward M. Kennedy's fight to place the Boston jurist on the Federal bench:

—Minority Leader Everett M. Dirksen (R-Ill.), claimed "more than 40 votes" against the nomination, including some Democratic defections.

—Sen. Kennedy countered by asserting, "There are more votes in favor of the nomination than opposed," and blasted Dirksen for "attempting to use the nomination for partisan political purposes."

—It was disclosed that Morrissey himself, in his closed-door testimony last week, said he considered the Southern Law School, where he obtained a 1933 diploma, "was not, in my judgment, a law school."

Dirksen said, after a party conference, that when the Senate takes up the Morrissey nomination he will offer a motion to send the matter back to the Senate Judiciary Committee.

A showdown fight originally was scheduled for Tuesday, but Senate leaders want to call up the sugar quota and supplemental appropriations bills first. Congress hopes to adjourn by the week-end.

Dirksen met with reporters for almost an hour, during which he again castigated Morrissey's qualifications and legal aptitude.

The minority leader said he was unimpressed by a report by Attorney General Katzenbach on Morrissey's trip to a Georgia law school. The report said Morrissey's Senate testimony was accurate concerning residence in Georgia.

Kennedy, Dirksen Differ Over FBI Report



MAKING IT CLEAR—Sen. Everett Dirksen explains his stand on the Morrissey controversy. (AP)

★ MORRISSEY Continued from Page 1

He characterized the Katzenbach report as "confession and avoidance" and added, "that's a legal plea where you confess and at the same time avoid. Actually it did not add too much. They (the FBI) went down to ascertain names, dates, streets and such matters all of which Judge Morrissey had forgotten."

"I think it was meant to supplement his memory. The thing that's forgotten is his intellectual background and

legal ability, Dirksen said, adding, "We haven't assailed his integrity. We are just trying to find out where he was and what he was doing" during the two months before and after he was admitted to the Georgia bar.

Dirksen's statement and his nose count indicated that the Katzenbach report hadn't changed many votes in the Senate. In answer to a question, Dirksen noted that the F.B.I. report hadn't satisfied Sen. Saltonstall either. Saltonstall on Monday withdrew his "no objection" response to the Morrissey nomination.

Sen. Kennedy's statement in rebuttal said, "A large number of senators told me that the facts developed in the F.B.I. report have cleared up any questions they had, and they are now fully prepared to support the nomination."

Dirksen, however, talked as though he had the votes to send the nomination back to committee where it could quietly die. He said the opposition vote "will be far more impressive than the 420 votes that Morrissey got when he ran for the Legislature."

The minority leader also said he had talked for a long time to Katzenbach last week, end "about many things." But he said, "Don't ask me the next question."

When a reporter then asked whether Katzenbach had discussed a possible withdrawal of the nomination, Dirksen said, "That was the next question."

★

Sen. Kennedy sent a letter to each senator asking for support on the nomination.

"Probably no judicial nomination has created such agitation in the press since the leaders of the American Bar Assn. opposed the nomination of Justice Brandeis to the Supreme Court," Kennedy wrote, and the letter was immediately labeled "The Brandeis Letter" in the cloak rooms.

Kennedy enclosed a copy of the Katzenbach report with each letter, stating, "I feel it will answer any questions in your mind about the rightness of this nomination."

The letter concluded, "A vote to recommit Judge Morrissey's nomination would be a vote to leave his integrity in issue for the next several months. This would be extremely unjust."

"We cannot permit the Senate's role in confirming judicial appointees to be turned into an instrument of character assassination of decent and able men."

★

Kennedy followed up the letter with a press release after Sen. Dirksen had once again gone on the attack.

The Kennedy statement said:

"It is unfortunate that Sen. Dirksen is attempting to use the Morrissey nomination for partisan political purposes. After a thorough investigation Judge Morrissey's nomination to the Federal bench was made by President Johnson

upon the recommendation of the Attorney General.

"Mr. Jenner of the American Bar Assn., a witness before the judiciary committee, questions Judge Morrissey's integrity and honesty. For five days Judge Morrissey was subjected to personal abuse throughout the country. The FBI at the request of the Department of Justice made a complete study of Judge Morrissey's testimony and Mr. Jenner's charges. That report found unquestionable that Judge Morrissey was telling the truth, and Mr. Jenner was mistaken. It appears to be the height of injustice to punish Judge Morrissey for statements made about him which were found to be untrue and

support the man who made them.

"A large number of senators told me that the facts developed in the FBI report have cleared up any questions they had, and they are now fully prepared to support the nomination. There are more votes in favor of the nomination than opposed."

The postponement of the vote on Morrissey was being interpreted in some Senate offices as a tipoff that the leadership either was ready to see the nomination die aborning, or that the President wanted a few more days to take a reading on the political fallout from the now-partisan issue.

But several other senators attested that there were no firm indications that either theory was correct.

And a source in Sen. Kennedy's office insisted, "We've got a good count. We're ready to vote, and we've got the votes right now, providing there are no more developments."

Sen. Mansfield, who rescheduled the Morrissey vote for later in the week, explained that he wanted to clear away that Senate business which required House approval, and thus both the administration sugar bill and the \$4.3 supplemental appropriation bill would come before the Morrissey debate.

He indicated this would put off a vote until late Wednesday or Thursday at the earliest. Earlier in the day Mansfield had said "there is a little sand in the gearbox, and the gears aren't meshing."

Reporters who heard the remark interpreted it to mean that the Democrats didn't have the votes to put over the Morrissey nomination.

★

Senate sources Tuesday night "leaked" portions of Judge Morrissey's testimony before an executive session of the Senate judiciary committee.

The testimony seemed to counter the statements Monday night by the highest Justice Department spokesman that Southern Law School was a substantial "cram" school, used by lawyers as final preparation for the bar.

Another portion of leaked testimony showed Morrissey agreeing with Sen. Dirksen that his trial experience was virtually all minor felonies and misdemeanors with no consequential civil cases.

Following is an excerpt concerning Judge Morrissey's trial experience:

Morrissey—"Now, most of the cases that I have actually had, my trial experience has been very limited, Senator. I have never claimed that I have had any extensive trial experience. But I've gone in in the various district court around Greater Boston, or driving under the influence which is a type of a case that we get quite a few of, simple assault and battery and shop lifting and leaving the scene after failure to make known your identity. I have done that."

"Now on the tort side, on the civil side, other than in the probate court, one would say—just a few occasions, I have gone into the probate court in divorce proceedings. I have in the tor

cases other than automobile tort cases. Most of those we have an ability to settle, so it is now necessary, you know, to reach trial on that, and then on what we call building law violations, or particularly on construction of houses, I have had a few of those.

"Now that was the total extent of my trial experience as a lawyer.

Dirksen—"So virtually all of your trial experience has been on minor felonies and misdemeanors. Virtually no civil cases?"

Morrissey—"Well, I would say that was a fair statement."

Dirksen—"Yes. And if there were civil cases, they were rather inconsequential."

Morrissey—"I would say that is a fair statement."

Following is an excerpt of Morrissey's statement concerning studying at Southern Law School:

"Now I was inexperienced and certainly immature at the particular time. I went down with him (Charles Crowley) and when I met the dean, that particular time, it was, if my memory is right, and I certainly, going back 32 years, it was indicated that I did not have to, just giving my marks I could take the—get admitted on motion.

"Now, I felt at that particular time that I actually

wanted to practice law in Georgia if I were admitted to the bar, and I suggested that I would like to do some studying there, and, as I remember, going over to the law library, there in the court house, and with the dean, and he said it was not necessary, but I felt that I should do it, and that I did do, Senator."

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On Senate Floor, the Final Act of an Intensely Personal Drama

MARTIN NOLAN

Boston Globe (1960-1979); Oct 22, 1965; ProQuest Historical Newspapers Boston Globe (1872 - 1979)

pg. 4

On Senate Floor, the Final Act of an Intensely Personal Drama

By MARTIN F. NOLAN Globe Washington Bureau

WASHINGTON—The Senate, from a daily display of drama of the United States, jaded and suspense, had not seen

anything like it in a generation.

The marbled setting provided more finely-etched characters than could Allen Drury, more plot complications than anything by Fletcher Knebel.

In the Senate, the drama

about to unfold was classically stark, unencumbered by ideology, economic theory or amorphous ideals of party.

And, despite the O. Henry ending, no one in the crowded galleries could doubt that the

actors were real men. The drama was intensely personal.

The 33-year-old man spoke to his colleagues for 10 minutes in a familiar cadence of conviction and vigor. Then what sounded like a cough became more like a choke of emotion.

"Why did Francis Morrissey leave Massachusetts for Georgia in 1932?" he asked. "... He was poor—one of 12 children... their shoes held together with wooden pegs their father made."

Edward Kennedy put his head down, then reached for a glass of water. Everett Dirksen and Thomas Kuchel looked across the aisle at him, first puzzled, then surprised, then understanding.

Here was the climax of the personal drama. Here was the answer to the most persistent question for weeks in this capital—"Why?"

The answer, articulated only in a slight choke and a pause for water, was enough for the Senate.

The Senate's role in Thursday's pageant was sketched in by the 18th century playwrights who wrote the U.S. Constitution. They blended the three branches of American government to set the stage.

A judge cannot be removed

by a President, Sen. Clifford Case of New Jersey explained before the session. "Accordingly," he added, "the role of the Senate is much greater and its responsibility goes very directly to his qualifications in a way that is not true of those appointments which are more personal to the President."

Most senators seemed relieved of their own personal and political burdens in their impending vote. Many quickly came over to Kennedy after the speech and shook his hand.

After enconiums from lead-

ers of the Senate, Kennedy left the chamber less than half an hour after the beginning of his speech and prepared to leave for Viet Nam.

Swift, sudden and convincingly eloquent, the drama of family loyalty, jurisprudence and political power ended, leaving the gilded Senate chamber as quiet and undramatic as an empty theater.



FRANCIS X. MORRISSEY

Ted Yields; Morrissey Appointment Shelved

JAMES DOYLE; MARTIN NOLAN

Boston Globe (1960-1979); Oct 22, 1965; ProQuest Historical Newspapers *Boston Globe* (1872 - 1979)
pg. 1

Ted Yields; Morrissey Appointment Shelved

By JAMES S. DOYLE
and MARTIN F. NOLAN
Globe Washington Bureau

WASHINGTON — Sen. Edward M. Kennedy, to the relief of many members and the surprise of nearly all, asked the U.S. Senate Thursday to recommit the nomination of Judge Francis X. Morrissey to the Committee on the Judiciary.

Under the Senate rules, the Morrissey nomination will lapse 30 days after Senate adjournment—expected today or tomorrow.

This rule may be waived but only if the Senate gives its unanimous consent and Senator Everett M. Dirksen (R-Ill.), said Thursday he would block any such request.

Only other possible action is a recess appointment by President Johnson after Congress adjourns or resubmission of Morrissey's nomination next year. Either action by the White House was

considered doubtful.

Sen. Kennedy left Thursday night for a long-planned fact-finding trip to South Viet Nam. And since he was Morrissey's sponsor, it seemed un-

likely that a carry-over attempt would be made.

In a speech to the Senate shortly after 11 a.m., Kennedy icily scolded the American Bar Assn. for its part in the fight against

Morrissey's nomination.

"With the exception of one small group of witnesses," he said, "Judge Morrissey's legal qualifications and ability are accepted ...

"His qualifications have been found perfectly adequate by 60 of his fellow judges of the Commonwealth of Massachusetts, who went on record as approving the nomination."

A little later he added with brisk emphasis, "And the A.B.A. was not satisfied with Judge Morrissey's legal education and training perhaps because he attended a local

law school at night, rather than a national law school by day."

The criticism that drew Kennedy's anger was that of Albert E. Jenner, chairman of the A.B.A.'s Judicial Selection Committee, who testified before a Senate subcommittee that Morrissey made a two- or three-day trip to Georgia and was admitted to the bar, returning immediately to Massachusetts.

"Judge Morrissey's testimony was directly to the contrary on almost every fact," Kennedy said. "The conflict in the testimony—and therefore Judge Morrissey's integrity and veracity—then became the central issue in his confirmation."

MORRISSEY

Page 2

Dirksen Remained Firm In Showdown With RFK

★ MORRISSEY

Continued from Page 1

He went on to say that, because of the gravity of the issue, a new FBI investigation was ordered and it showed "the testimony of Judge Morrissey was correct, and the testimony of the A.B.A. witness was wrong."

"No one who knew Frank Morrissey could doubt that he was telling the truth. But those of us who put our faith, in the past, in the reliability of the investigating techniques and judgment of the American Bar Assn.

must think carefully what weight to give future judgments . . .

"It is one thing to pass on a man's qualifications. This is entirely proper, and we welcome it in the Senate. It is another to attack, by innuendo and accusation and insufficient evidence, a man's character. We do not welcome that in the Senate."

At this point in the speech, with the galleries and the Senate floor crowded, few in the ornate room yet knew what the senator would do.

One who knew was Everett

Dirksen, who had been told by the younger Kennedy brother just before the debate began, as the two talked intently and punctuated their discussion with their hands. At one point Dirksen put his hand on Kennedy's shoulder and nodded assent.

The brothers had reached the difficult decision together Wednesday night.

They reviewed the situation from every angle, including its possible effect on their political careers, and found it best to abandon the fight.

They told only those who had to know.

Senate Judiciary Committee Chairman James Eastland (D-Miss.) was informed.

So was Sen. Thomas Dodd (D-Ct.), chairman of the subcommittee where Judge Morrissey's nomination came under fire from the American Bar Assn.

Finally—it was nearly midnight — Ted Kennedy telephoned President Johnson at Bethesda Naval Hospital.

He told him that, in view of the situation, the best course would be to recommit the nomination.

The President said he was "very much behind Judge Morrissey" but that this was a Senate matter, and he would abide by its judgment.

Vice President Humphrey,



ROBERT AND EDWARD KENNEDY AFTER MORRISSEY SESSION

who had intervened on Judge Morrissey's behalf, was not immediately informed of the Kennedy decision.

He knew nothing about it when he left Washington Thursday morning for a mayors' conference in New Haven.

Earlier Wednesday, Sen. Dirksen called Robert Kennedy into his office and laid it bluntly on the line for him.

"I'm not interested in you or Teddy," he said, "but I'm out to get Morrissey."

Dirksen added, "You think I'm out to cut your neck—to ax you." Then, pointing to a bronze figure of the late President Kennedy over his desk, he said:

"You see that bust on the mantle? That was one of the best friends I ever had."

RKF'S STANCE

Robert Kennedy was then still convinced that Dirksen could not block the appointment. He refused to withdraw from the fight.

Thursday Dirksen was asked whether he had been holding back a "bombshell" in the case. His reply:

"I'm just a country lawyer, but when I prepare a case I try to get everything."

After it was all over, Majority Leader Mike Mansfield (D-Mont.) backed up Ted Kennedy's contention that the votes were there to confirm Judge Morrissey.

"If Teddy was hurt, and I assume he was, then he regained most of the lost ground and came out of it with his head held high," Mansfield added.

TED FATIGUED

In his Senate speech, Kennedy showed the fatigue and strain of recent weeks. It came through clearly as he said:

"Senators may, nevertheless, ask why did Francis Morrissey leave Massachusetts for Georgia in 1932? Simply stated, the answer is that he was young and he was poor—one of 12 children, his father a dockworker, the family living in a home without gas, electricity or heat in the bedrooms; their shoes held together with wooden pegs their father made . . ."

Kennedy's voice was broken with emotion. He continued, but quavered. He reached for the glass on his desk and took a long drink of water. Then he continued, and his voice quavered again. Then he composed himself, and his voice became a dull monotone for several minutes.

From the gallery his wife, Joan, glanced at the press section, then looked back at her husband and kept her head pitched high. Ted's sister, Mrs. Eunice Shriver, sat next to Joan, in a slight slump. She didn't move. Robert's wife, Ethel Kennedy, sat directly in front of them with her head at an angle and slightly bowed.

"WOULD CONFIRM"

"And so we are asked to vote," the junior senator from Massachusetts intoned.

"After a careful assessment I have determined that a majority of the members of the Senate are prepared to support Judge Morrissey's confirmation

Judge Morrissey, Family Take Trip

Judge Francis X. Morrissey

left his Jamaica Plain home shortly after 5 p.m. Thursday accompanied by his wife and two children.

He would only say, "I stand on my previous statements."

The rear of the car was packed with bags but Judge Morrissey would not reveal his destination.

If we took up the nomination this morning, the debate would be prolonged, but the nomination would be confirmed.

"However, a number of senators for whom I have the greatest respect have indicated to me that as a result of the widespread controversy, they are not prepared to say with certainty that their doubts have been entirely resolved at this time."

"I have been asked why, in view of the unfavorable publicity given this nomination, I would not, in my own interest, ask that it be withdrawn. Let me say simply that when a man has been unfairly attacked and unjustly accused, I cannot in good conscience desert him. And I should not."

He added that a full and complete record would uphold his judgment of the nomination to every fair-minded man.

And he ended, "I therefore ask unanimous consent that the nomination of Francis Morrissey be recommitted to the Committee on the Judiciary."

DIRKSEN'S TRIBUTE

There was a sudden clatter from the press gallery as four wire service reporters led the charge of a dozen others for the phones outside the door.

On the floor, Ev Dirksen crossed the aisle and grasped Sen. Kennedy's hand. Then Dirksen spoke.

He said, "A disconsolate spirit and anxiety have beset

me since this nomination was submitted to the Senate . . .

"I have made considerable preparation on this case. I want to salute the junior senator from Massachusetts. I think he has risen to every expectation of what the country desires in a senator fulfilling his oath, his duty and his sense of responsibility . . ."

Majority Leader Mansfield sought the floor. It was, he said, "with a deep sense of regret" that he listened to Kennedy's speech.

"He was correct when he stated that if this matter had been brought to a vote, the votes were here to confirm the nomination."

"But I think he has exercised superior judgment. He has recognized that had the vote been carried to its conclusion in the atmosphere which exists at the moment, the results might have been anything but beneficial."

In a moment it was over, and the Senate was on to more routine business.

The Kennedy brothers left the floor quickly and went to Edward's office, where they were met by Joan and Eunice. A visitor, noticing the younger brother smiling and joking with his brother in the corridor, remarked that he looked "relieved" and "better than he has for days."

Sen. Dirksen was meeting with the press just outside a Capitol cloakroom. He was asked if he agreed that the voters were there to put Morrissey over.

"I thought we counted very well," he answered. "I took a look at the absentees and there were 14. I took a look at how many we had lost and how many they had lost, and I thought we were doing all right."

THE ABSENTEES

All 14 absentees were Democrats. The names were Anderson, Bass, Bayh, Church, Gore, Hartke, Jordan, Long of Missouri, McGovern, Moss, Muskie, Richard Russell of Georgia, Sparkman and Talmadge.

Three Republican senators, Tower of Texas, Cooper of Kentucky, and Miller of Iowa, had been ordered back to the Senate by Dirksen from pressing engagements at home.

The Political Circuit

ROBERT HEALY

Boston Globe (1960-1979); Oct 22, 1965; ProQuest Historical Newspapers Boston Globe (1872 - 1979)

pg. 1

The Political Circuit

There Was Only One Path Left for Kennedy: He Took It

By ROBERT L. HEALY

Globe Political Editor

WASHINGTON—For Sen. Edward Kennedy it was the only move he could make.

Pressure had been building for two weeks on the nomination of Boston Municipal Court Judge Francis X. Morrissey.

The Kennedy forces said they had the votes to confirm him. They may have had. They may not have had.

It could have been close.

"I am satisfied that a full and complete record, made with care and deliberation, will uphold my judgment to the satisfaction of any fair-minded man; such a record will result in his (Morrissey's) confirmation . . ."

From Sen. Kennedy's
Text on Page Three

Fourteen Democratic senators did not respond at the morning call of the Senate. The Republicans were all there.

Among the 14 were a number of names which

many vote counters had included in the Kennedy roll—names like Birch Bayh of Indiana, Frank Church of Idaho, Vance Hartke of Indiana, Edmund Muskie of Maine and George McGovern of South Dakota.

Said Everett McKinley Dirksen, the Republican leader: "I thought we counted very well. I took a look at the absentees, and there were 14. I took a look at how many we had lost and how many they had lost, and I thought we were doing all right."

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LBJ Alerted On Ted's Move

★ CIRCUIT

Continued from Page 1

So these were the opposite forces. And they talked about votes.

But there was something else on that floor of the Senate. There was the prestige of two of its members, Edward and Robert Kennedy. Win or lose, the vote was going to be close. And even if Morrissey was confirmed, it was still going to be a serious embarrassment to the Kennedys.

If the battle had been pursued by Ted Kennedy, the debate would have been bitter and personal.

This was no sugar bill, or an amendment to the poverty program. This was not a poll tax amendment bill where Ted Kennedy could lose and still look like a winner.

It was a debate about a man—a man Teddy Kennedy said was qualified to be a judge while others in the Senate were prepared to argue that he was not.

In a protracted debate of this nature, Ted Kennedy would only have been hurt. Some of his colleagues who fought shoulder to shoulder with him on the poll tax amendment fight and who came to admire and respect him for that effort would have to leave him.

These are important things in the United States Senate.

There was the great drama on Thursday. Ted Kennedy standing, facing the Senate president. Thirty-three senators in their seats listening attentively. Some had said they would not make up their minds until they had heard the debate. And for a change, this was the fact.

Kennedy's appeal for Morrissey was emotional. In the middle of it, when he talked about Morrissey, his voice cracked. From the beginning of the speech, it appeared that Kennedy was going to make the fight. He said he had the votes for the confirmation.

Over the top of his Senate desk there were six huge law books. There were dozens of folders and other impressive looking documents. Senate regulars in the press gallery said that the vote might not come until Friday because of the long debate.

Then in the speech came the first clue. "If we took up the nomination this morning..." The big word was if.

Then it was all over. The Senate would not be asked to vote. The nomination was recommitted to the Judiciary Committee.

The President had been informed the night before. Few others had. Senate Majority Leader Mike Mansfield, Dirksen and maybe a handful of others knew. But that was all.

Now everyone was for Ted. Dirksen said he wanted to salute him. Mansfield said he thought that Kennedy had exercised superior judgment. The senators walked down and shook Kennedy's hand. No one wanted to defeat Ted Kennedy. Senators do not like to destroy each other.

The Senate had taken care of one of its own, and at the same time had taken care of itself.

As to Morrissey, the decision will be the President's. The nomination will die 30 days after adjournment. The Senate could by unanimous vote refer the nomination to the next session. But there is no unanimous consent to do this.

So if Morrissey is to go to the Federal bench in Boston, President Johnson will have to submit the nomination again next year.

Boston Globe Wins The Pulitzer Prize

Boston Globe (1960-1979); May 3, 1966; ProQuest Historical Newspapers Boston Globe (1872 - 1979)

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Boston Globe Wins The Pulitzer Prize

National
Recognition
For Public
Service

The Boston Globe was awarded the Pulitzer Prize for meritorious public service Monday in recognition of its campaign which prevented confirmation of Francis X. Morrissey as a Federal district judge.

Historian Arthur M. Schlesinger Jr., was awarded his second Pulitzer Prize — the biography award for his moving tribute, "A Thousand Days: John F. Kennedy in the White House."

Schlesinger had won before in the history division for "The Age of Jackson" in 1946. His latest prize winner is partially a personal

memoir by Schlesinger who served three years as special assistant to President Kennedy.

For the second consecutive year, there was no prize for drama.

"The Collected Stories of Katherine Anne Porter" was awarded the prize for fiction. Included were stories spanning the long career of the 75-year-old writer whose most recent major work was "Ship of Fools" in 1962.

The history award went to the late Perry Miller of Harvard University for "The Life of the Mind in America—From the Revolution to the Civil War."

Miller had planned to write the complete intellectual history of the United States. His work was unfinished when he died in 1963. His wife helped complete it and it was published posthumously last summer.

Richard Eberhart won the poetry prize for "Selected Poems (1930-1965)." There are 112 poems published over the last 35 years. He is a professor of English and poet in residence at Dartmouth College.

Edwin Way Teale was awarded the non-fiction prize for "Wandering Through Winter." It was the final volume in a 15-year project of chronicling the natural history of the four seasons in America.

Schlesinger's
Kennedy
Biography
Also Cited

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Globe Series Wins 2 Prizes

* PULITZER

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Leslie Bassett won the music award for "Variations for Orchestra." The work was first performed in the United States by Eugene Ormandy and the Philadelphia Orchestra last Oct. 22. Bassett is professor of music at the University of Michigan.

Peter Arnett of the Associated Press won the prize for international reporting for his dispatches from Viet Nam. It was the AP's 21st Pulitzer Prize and the third in a row for an AP man in Viet Nam.

Other journalism winners were:

The staff of the Los Angeles Times, local reporting of the Watts riots. The coverage was cited as an example of a large newspaper using all its resources to cover a local event that assumed world importance.

John Frasca of the Tampa, Fla., Tribune, for investigative and specialized reporting. His reporting of two robberies in Florida resulted in the freeing of an innocent man.

Frasca, 50, was born and lived most of his life in Lynn. He was secretary to Lt. Gov. Robert Murphy and handled press relations for him when he ran for governor in 1954. The Boston Record-American.

Haynes Johnson, the Washington Evening Star, national reporting. He became the first son of a Pulitzer Prize winning father to win an award of his own. His father, Malcolm, of the old New York Sun won the reporting prize in 1949.

The younger Johnson was cited for distinguished coverage of the civil rights conflict centered around Selma, Ala., and particularly his reporting of its aftermath.

Robert Lasch of the St. Louis Post Dispatch won the award for editorial writing. The former "printer's devil" at the age of 13, is editorial page editor. His award was for editorials written throughout 1965.

The prize for cartooning went to Don Wright of the Miami News after only three years as a full-time editorial cartoonist.

Wright was particularly cited for a cartoon showing two torn and injured men limping toward each other between two giant craters in a war-torn landscape.

One of the men says: "You mean you were bluffing?"

Staff Photographer Kyoichi Swada of United Press International won the prize in news photography for his general coverage of the war in Viet Nam.

50TH ANNIVERSARY

The prizes were announced by the trustees of Columbia University on the 50th anniversary of the program. The awards were established in the will of the late Joseph Pulitzer, founder of the St. Louis Post-Dispatch and publisher of the old New York World.

Each journalism award carries a prize of \$1000. The prizes for letters and music are \$500 each. The Globe's meritorious public service citation is symbolized by a gold medal.

Monday was a day of dou-

ble honors for the newspaper.

Less than four hours before it learned it had won the prestigious Pulitzer Prize, The Globe was presented with the Sevellon Brown Memorial Award by the New England Associated Press News Executives Assn.

Like the coveted Pulitzer Prize, the Brown award was for "disinterested and meritorious public service" in the Morrissey case.

The news award was presented at the Spring meeting of the news executives at the Sheraton-Plaza.

SOLID RESULTS

In presenting the award, John W. Moran, editor of the Bangor Daily News described The Globe series as a "hard-hitting investigative job in which exceptional courage was shown to obtain solid results that are beneficial to the community, state and nation."

"What the investigation uncovered was startling and certainly led to Morrissey's decision to quit the fight before he further embarrassed Ted Kennedy," Moran said.

Two Globe staffers were honored by the news executives. Writer Ian Forman won an honorable mention citation for a series on education and Globe Medical Writer Jean Dietz was honored for a series on the state of welfare locally.

The Globe's work in the Morrissey case has also won the excellence citation of the New England Press Assn. The award, made in January, cited the competence, objectivity and courage of The Globe.

The Pulitzer Prize is shared by a 10-man team headed by Editor Thomas Winship, a resident of Lincoln, former Globe Washington correspondent, Harvard alumnus and former assistant city editor of the Washington Post.

"It was an example of perfect team work," Winship said. "We saw this as a campaign on a big issue—not personalities. The issue was the integrity of the Federal bench."

The Globe's team also included:

Robert Healy, 39, of North Scituate, assistant executive editor and political editor, former Washington correspondent and Nieman Fellow.

Charles L. Whipple, 55, of Lexington, editor of The Globe's editorial page, Harvard Law School graduate and author.

Joseph M. Harvey, 51, of Winthrop, Boston College graduate, an attorney and Globe staffer for 30 years, specializing in court reporting.

Joseph Koblinsky, 59, of Worcester, Providence College graduate, newspaperman for 30 years and veteran City Hall reporter.

Martin F. Nolan, 26, Boston College graduate, Washington correspondent and author of political articles in magazines.

James S. Doyle, 31, Boston College and Columbia Graduate School of Journalism alumnus, member of the Washington bureau and a Nieman Fellow.

Jeremiah V. Murphy, 39, of Rockport, veteran general assignment reporter, rewriter and deskman who has been with The Globe since 1959.

Richard J. Connolly, 40, of West Newbury, a general as-

signment reporter for 23 years.

Anson H. Smith Jr., 41, of Hingham, editorial writer, Harvard graduate and former general assignment reporter.

The Globe's interest in the Morrissey nomination dates back to 1961 when the late President Kennedy indicated he intended to nominate him to the bench in Boston.

Convinced that the municipal court judge lacked the necessary academic and legal qualifications and failed to measure up to Mr. Kennedy's often-stated standard of excellence for public office holders, the newspaper reported the impending nomination.

National media picked up the story and the matter lay dormant until 1965 when President Johnson sent Morrissey's name to the Senate. More than an ordinary effort was made to assure the success of the nomination.

The Massachusetts Bar Association, which opposed him originally, reversed itself and supported him. Fifty-nine judges joined in the endorsement. The Massachusetts House passed a resolution recommending him for the bench.

Morrissey was the personal candidate of the strongest political force in the state, Sen. Edward M. Kennedy. The judge is a close personal friend of the Kennedy family.

Sen. Kennedy fought vigorously on the Senate floor for the confirmation of Morrissey. In its unprecedented campaign, The Globe not motivated by personal or professional animus against Judge Morrissey, a substantial family man and recipient of Catholic church honors.

The appointment, in the newspaper's opinion, was another example of tactically inspired actions that had attained for Massachusetts a reputation of operating without a civic conscience in public matters.

DIGGING FACTS

To demonstrate the lack of credentials for the Federal bench, The Globe's team began day-to-day coverage of all developments in the case and launched an in-depth probe of Morrissey's background.

The investigation disclosed an apparent discrepancy in Morrissey's testimony before a congressional subcommittee.

Reporters were assigned to check his background in Boston, Washington and Georgia where he attended law school.

The judge had told the congressional committee he had spent six months in Georgia after attending law school. But it was learned he had been a candidate for the Massachusetts House at the time and would have been ineligible to serve if he had been living in Georgia as he said.

The Globe also showed that Morrissey had not attended Boston College Law School as he had claimed before the committee.

Quickly, The Globe's campaign drew national attention by the time the nomination reached the Senate floor last October, the opposition to Morrissey was led by Senate Minority Leader Everett M. Dirksen (R-Ill.).

Then Sen. Kennedy moved to send the nomination back to the Senate Judiciary Committee and a short time later Morrissey requested that President Johnson withdraw his name.